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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

AMANDA MCBRIDE,

Plaintiff,

v.

CONFLUENCE HEALTH, a  
Washington corporation,

Defendant.

No. 2:16-cv-243

COMPLAINT

COMES NOW, the Plaintiff, Amanda McBride ("McBride"), by and through  
her attorneys of record, who alleges and states:

**I. PARTIES**

1.1 McBride was and is, at all times material hereto, a resident of  
Wenatchee, Chelan County, Washington.

1.2 Defendant, Confluence Health ("Confluence"), is a Washington  
corporation. Defendant Confluence's principal place of business is located in

1 Wenatchee, Chelan County, Washington.

2  
3 **II. JURISDICTION AND VENUE**

4 2.1 The incident complained of occurred in Chelan County, Washington.

5 2.2 Jurisdiction and Venue are proper.

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7 **III. FACTS**

8 3.1 Defendant Confluence employed McBride beginning November 10,  
9 2014.

10  
11 3.2 At her interview with Kimberly Gullett on October 20, 2014, McBride  
12 informed Gullett that she has a serious medical condition.

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14 3.3 Defendant Confluence employed McBride for over one year as a Contact  
15 Center Specialist.

16 3.4 Defendant Confluence employs more than 50 employees.

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18 3.5 During the time McBride was employed with Defendant Confluence, her  
19 serious medical condition affected her ability to perform her job duties without  
20 reasonable accommodations.

21  
22 3.6 Defendant Confluence disciplined McBride for absences and  
23 performance issues that were direct results of her serious medical condition  
24 interfering with her ability to perform her job duties without reasonable  
25 accommodations.

26  
27 3.7 In October 2015, McBride sent an e-mail to HR Manager, Tom  
28

1 Christiansen, informing him that she has a serious medical condition and that she  
2 would be applying for FMLA leave after her one year anniversary.  
3

4 3.8 In November 2015, McBride applied for, and was approved for, FMLA  
5 leave.  
6

7 3.9 On November 30, 2015, Defendant Confluence accused McBride of  
8 arriving to work late and falsifying her time card and Defendant Confluence fired  
9 McBride.  
10

11 3.10 On November 30, 2015, McBride was not late to work and she did not  
12 falsify her time card.  
13

14 **IV. FIRST CAUSE OF ACTION**  
15 **VIOLATION OF THE FAMILY MEDICAL LEAVE ACT (FMLA)**  
16 **(29 U.S.C. § 2601 et seq.)**

17 4.1 McBride restates and realleges all prior paragraphs.

18 4.2 Defendant Confluence has interfered with, restrained, or retaliated  
19 against McBride's exercise of her rights under the FMLA in violation of 29 U.S.C.  
20 § 2615.  
21

22 4.3 As a proximate result of Defendant Confluence's violation of the FMLA,  
23 McBride suffered damages in the amount to be proven at trial.  
24

25 **V. SECOND CAUSE OF ACTION**  
26 **DISABILITY DISCRIMINATION (49.60)**

27 5.1 McBride restates and realleges all prior paragraphs.  
28

1           5.2    The conduct of Defendant Confluence gives rise to a claim for disability  
2 discrimination, including, but not limited to, disparate treatment, retaliation, and  
3 unlawful and wrongful discharge.  
4

5           5.3    Defendant Confluence failed to accommodate McBride's physical  
6 limitations.  
7

8           5.4    Defendant Confluence treated McBride differently than other employees  
9 due to McBride's physical limitations.  
10

11          5.5    As a proximate result of Defendant Confluence's conduct, McBride  
12 suffered damages in amount to be proven at trial.  
13

14                   **VI. THIRD CAUSE OF ACTION**  
15                   **WRONGFUL DISCHARGE IN VIOLATION**  
16                   **OF PUBLIC POLICY**

17          6.1    McBride restates and realleges all prior paragraphs.

18          6.2    It is the public policy of the state of Washington that an employer shall  
19 not discharge, discriminate, or retaliate against an employee who intends to take leave  
20 due to a serious health condition.  
21

22          6.3    Defendant Confluence violated this public policy.

23          6.4    As a proximate result of McBride's wrongful discharge in violation of  
24 public policy, McBride suffered damages in an amount to be proven at trial.  
25

26                   **VII. DAMAGES AND PRAYER FOR RELIEF**  
27

28          McBride requests relief as follows:

1 A. For past and future lost wages and benefits in an amount to be proven  
2 at trial;

3  
4 B. For all other past and future special and general damages in an amount  
5 to be proven at trial;

6  
7 C. For reasonable attorneys fees and costs of this action;

8 D. Prejudgment Interest; and

9  
10 E. For such other and further relief as the Court may deem appropriate.

11 WHEREFORE, plaintiff McBride prays for damages as mentioned above,  
12 together with liquidated damages, pursuant to 29 U.S.C. § 2617, reinstatement of  
13 employment pursuant to 29 U.S.C. § 2617 or other equitable relief, and reasonable  
14 attorney's fees pursuant to 29 U.S.C. § 2617 and RCW 49.  
15

16  
17 DATED this 21<sup>st</sup> day of June, 2016.

18 LACY KANE, P.S.

19  
20  
21 By 

22 COREY M. KANE, WSBA #49710  
23 Attorneys for Plaintiff  
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25  
26  
27  
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**CERTIFICATION BY PLAINTIFF**

I am the Plaintiff in the above-captioned matter; I have read the within and foregoing Complaint, know the contents thereof, and believe the same to be true.

  
AMANDA MCBRIDE